

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
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Gangtok

Saturday 02nd June, 2018

No. 293

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No: 29/Home/2018

Dated: 31/05/2018

NOTIFICATION

Whereas, the State Government has been pleased to regulate the sale of Non-Organic Agricultural and Horticultural commodities vide Notification No 13/Home/2018 dated 10/03/2018;

AND whereas, vide Notification No. 13/Home/2018 dated 10/3/2018 and no. 18/Home/2018 dated 31/03/2018 the State Government has been pleased to prescribe the procedure for seizure and disposal of such commodities;

Now therefore, in furtherance to the Notification No 18/Home/2018 dated 31/03/2018 and in public interest and to safe guard the interest of organic farmers for sale of their organic vegetables in the markets and for effective implementation it is deemed expedient to notify the constitution of a Task Force and to prescribe the liability for contravention of the Notified Government Orders:-

Task Force.

1. A Task Force involving DCs/ ADCs/SDMs and BDOs, Sikkim Police, Departments such as Horticulture, Animal Husbandry, Urban Development and Housing, Food and Civil Supplies, SIMFED, Gangtok Municipal Corporation in their jurisdictions shall be constituted. The Task Force shall take all such measures as it deems necessary for the purpose of enforcing Government Orders/ directions/Notifications. The Task Force would inspect bazaar areas, check sale of organic vegetables and seize unauthorized vegetables by taking on the spot action on such defaulters.
2. Further an uniform price of the vegetables in the market will be fixed by the Horticulture Department and SIMFED authorities and displayed by the Municipal authorities.
3. Whoever, contravenes the Government orders/directions issued vide aforementioned Notifications dated 10/3/2018 and 31/3/2018 shall be liable as under:-
 - (a) Where a contravention involves a person using mode of transport or any other form of conveyance, or any type of vehicles of more than three wheelers, either inter-state

or intra-state in the movement of inorganic vegetables, all the documents of the vehicle shall be liable to be seized including the driving licence of the concerned driver.

- (b) The Enforcement Officer seizing the documents of the vehicle shall, within 24 hrs from the date of seizure shall inform the Officer-in-Charge of the Motor Vehicle Department as provided in Form IIA appended to this notification.
- (c) The authority or officer to whom the information of the seizure is forwarded shall take such measures which are as follows:-
 - (i) upon commission of offence for the first time, the licence/permit to operate the vehicle shall be liable to be suspended for a period of fifteen days.
 - (ii) upon commission of offence for the second time, the licence/permit to operate the vehicle shall be liable to be suspended for a period of one month.
 - (iii) upon commission of offence for the first time, the driver shall be liable for suspension of his/her driving licence for a period of seven days.
 - (iv) upon commission of offence for the second time, the driver shall be liable for suspension of his/her driving licence for a period of one month.
 - (v) Upon commission of the offence of similar nature for more than two times, the registration/permit of the vehicle shall be liable to be terminated after issuance of show cause notice. The driving licence of the driver involved in the offence for more than two times shall also be liable to be cancelled.

- 4. (a) The Enforcement Officer making such seizure shall, within 48 hrs, along with the seizure report, inform the Officer-in-Charge of Thanas, Urban Development & Housing Department, Motor Vehicle Department, SNT Department and concerned BDO, SDM, ADC and District Magistrates, as the case may be, in Form IIA appended to this notification.
- (b) the authority/officer to whom the information of seizure is forwarded shall take such measures which are as follows:-
 - (i) upon commission of offence for the first time, the trade licence shall be liable to be seized and the operation of the licence shall also be liable to be suspended for a period of one month.
 - (ii) upon commission of offence for the second time, the trade licence shall also liable to be seized and the operation of the licence shall also be liable to be suspended for a period of three months.
 - (iii) Upon commission of offence for more than two times his/her trade licence shall be liable to be seized and the operation of the licence shall also be liable to be suspended for a period of one year.

However such order of suspension of trade licence shall be passed after affording an opportunity of hearing.

5. That the seizure of the vehicle and keys along with relevant documents shall be made in Form 1(A) appended to this notification.
- (a) That the enforcement officer shall seize the vehicle and keys and the relevant document along with driving licence of the driver.
- (b) The enforcement officer shall not be responsible for any loss or damage which may occur in respect of any commodity collected in furtherance to the seizure and no enforcement officer shall be responsible for any such loss or damage unless he causes such loss or damage willfully, negligently, maliciously or fraudulently.
- (c) The Enforcement Officer stipulated under clause 1(2) of the Notification no.18/Home/2018 dated 31/03/2018 shall also include the following officers and such officers are hereby designated as Enforcement Officers to carry out the purpose of such search, seizure and disposal.
- (i) DCs/ADCs/SDMs and BDOs, Sikkim Police personnel, designated officers of Departments such as Agriculture, Horticulture, Animal Husbandry, Urban Development and Housing, Food and Civil Supplies, SIMFED and Gangtok Municipal Corporation.
- (ii) Officers in charge of concerned Police Stations; and
- (iii) Municipal/Nagar Panchayat Executive Officers/Bazaar Officers within their jurisdictions.
6. This notification shall come into force with effect from the date of publication in the official gazette.

By Order and in the name of the Governor.

**Alok K. Shrivastava, IAS
Chief Secretary
Government of Sikkim
File No. GOS/H & CCDD/SOM/196**

(Notification No. 29/Home/2018 dated 31/05/2018)
Form I A

SEIZURE MEMO

- 1 District _____ Place _____
- 2 Documents seized/recovered
- a. Date :
- b. Time :
- c. Place of seizure/recovered :
- 3 Person from whom seized/recovered :
- Name : _____ Father's/Husband's name : _____
- Occupation : _____ Age : _____
- Address : _____
- Signature : _____
- 4 Details of the documents seized/recovered

| S.No | Particulars | Quantity |
|------|-------------|----------|
| | | |
| | | |
| | | |
| | | |
| | | |

The seizure has been made and the inventory has been prepared in the presence of the following witnesses

- 5 Witnesses
- i Name : _____ Father's/Husband's name : _____
- Occupation : _____ Age : _____
- Address : _____
- Signature : _____
- ii Name : _____ Father's/Husband's name : _____
- Occupation : _____ Age : _____
- Address : _____
- Signature : _____

- 6 Action taken/recommendation :

Signature of the enforcement officer

Name :

Place :

Date :

(Notification No. 29/Home/2018 dated 31/05/2018)

**Form II A
SEIZURE REPORT**

To

I submit that the following details of items/documents is seized by me which is in contravention of Notification No 29/Home/2018 dated 31/05/2018, Government of Sikkim for necessary action.

1 Details of the person from whom seizure was made

Name :

Father's/Husband's name :

Age :

Occupation :

Address :

2 Date of seizure :

3 Time of seizure :

4 Place of seizure :

5 Particulars of seizure

| S.No | Particulars | Quantity |
|------|-------------|----------|
| | | |
| | | |
| | | |
| | | |
| | | |

Signature of enforcement officer

Name :

Place :

Date :

